

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

2022 AUG 19 AM 9: 05

CLERK-ALBUQUERQUE

Sukhdev Singh
In Pro Per
2005 De La Cruz Boulevard, Suite 185
Santa Clara, CA 95050
Telephone: (408) 988-7722
Facsimile: (408) 988-3345

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KRISTINA MARTINEZ, in her
Capacity As the Personal
Representative of the Wrongful
Death Estate of Barbara
Granger, Individually

Plaintiffs

v

DART TRANS, INC.,
GILBERT TAN d/b/a GMT
TRUCKING, SUNRISE TIRE
AND LUBE SERVICE, INC.,
HAR-SUKH CORP., INC.,
SAM SANDHU, JASVIR
SINGH, RAJINDER SINGH
BASSI, SUKHDEV SINGH
DHALIWAL, TERI-OAT, LLC,
JOHN DOE 1, JOHN DOE 2,
GOODWILL TRUCKING,
LLC., and GURPREET SUCH,

Defendants

No. CIV 19-00994 JB/JHR

NOTICE OF MOTION AND MOTION
TO QUASH JUDGEMENT AND TO
QUASH THE ARREST WARRANT
AGAINST SUKHDEV SINGH,
DECLARATION OF DEFENDANT,
AND HIS ATTORNEY IN SUPPORT
OF THE MOTION TO QUASH, AND
MEMORANDUM OF POINTS AND
AUTHORITIES THEREOF
AND REQUEST TO STAY THE
ARREST WARRANT PENDING
HEARING OF THIS MOTION.

Date:
Time:
Dept.:

Hon. District Judge James O. Browning


NOTICE IS HEREBY GIVEN that I, Sukhdev Singh, will move the Court for an Order

1 quashing judgment against me, and to quash the arrest warrant issued against me. Further, to
2 Request Stay of the Arrest Warrant while this motion is pending. This motion is made on the
3 following grounds:

4 I Sukhdev Singh, representing myself, hereby move this Court pursuant to Federal Rules
5 of Civil Procedure Rule 60(b)(4) F.R. Civ.P., on the ground that judgment against me is void.
6 This motion is for the Court to enter an Order to quash judgment entered on July 15, 2021, and to
7 quash the subsequent arrest warrant Ordered and entered on July 27, 2022 for Contempt of Court
8 Order, against me. This judgment against me is void because I was never named in the
9 complaint, in the pleadings, and in the summons, and the complaint was never served on me.
10 This by itself means that there was no lawsuit against me. This also means, this Court lacked
11 jurisdiction to issue these orders. I have never waived the issue of personal jurisdiction either.
12 Further, this Court has overstepped its discretionary authority by granting the Motion for
13 Correction which essentially served to bring me in as a previously known defendant, when in
14 fact I was never named in the original complaint, in the pleadings, and in the summons, and was
15 never served with summons and complaint. This Order was prejudicial in to me because I could
16 no longer defend myself because of Default being filed in December of 2019. Further, the
17 Plaintiffs' Counsel has illegally pierced the corporate veil without complying with any legal
18 requirements whatsoever. I was a corporation officer. Corporate veil cannot be pierced for
19 negligence, and this entire action is based upon negligence.

20 The motion will be based on this notice of motion, the accompanying my Declaration,
21 Declaration of my attorney, the memorandum of points and authorities served and filed herewith,
22 on the records and file herein, and on such evidence as may be presented at the hearing of the
23 motion.

24 Dated: August 17, 2022

25
26 
27 Sukhdev Singh

**DECLARATION OF SUKHDEV SINGH IN SUPPORT OF MOTION TO QUASH
JUDGMENT AND ARREST WARRANT**

I, Sukhdev Singh, declare under penalty of perjury under the laws of the State of California as follows:

1 I was never named in the caption of the complaint, in the pleadings, and in the summons, and was never served. This basically means two things. I am not part of this lawsuit, and this Court never got the jurisdiction in this matter. The Court also lacked personal jurisdiction over me to add me to this case and issue the judgment against me, and to issue the arrest warrant against me.

2 I am educated but my education level does not comport to the education level here in the US. I read the complaint in the past, and I could not figure out that I was being sued. I have again read the complaint now, and I still cannot figure out that it was against me.

3. The complaint is and was against Sukhdev Singh Dhaliwal, and served as such. I believe the relevant information is in paragraph 7 on page 2, and in paragraphs 14, 15, 16, 17, and 18 on pages 4 and 5 of the complaint. In the past the way I read these paragraphs; I am still reading them the same way. Plaintiffs and their attorneys intended to sue Sukhdev Singh Dhaliwal, who is running an unincorporated truck repair business somewhere in San Joaquin County using the dba American Tire and Truck Repair. In other words, this is how I interpreted them back when these papers were sub-served on me as Sukhdev Singh Dhaliwal, and I am still interpreting them the same way. Except for paragraph 7, here I am copy pasting the other paragraphs listed herein verbatim from the complaint for the Court to follow my thought process:

14. American Tire and Truck Repair operates out of San Joaquin County, California. A review of public records available from the Secretary of State indicates that the company is not registered.

15 *Sukhdev Singh Dhaliwal is listed as the owner of American Tire and Truck Repair with the business license division of the San Joaquin County, California. On information and belief, he is resident of San Joaquin County, State of California, and citizen of California.*

i The problem starts from right here with these paragraphs. San Joaquin County is a big county, and without having the benefit of additional information like address etc., and without anything being attached to the complaint, this is exactly how I read this paragraph and understood it: "Plaintiffs and their attorneys intended to sue Sukhdev Singh Dhaliwal, who is running an unincorporated truck repair business here somewhere in San Joaquin County using the dba American Tire and Truck Repair."

ii The information that Sukhdev Singh Dhaliwal is listed as owner of American and Truck Repair with the business license division of the San Joaquin County is very specific. There is no way for this to be interpreted in any other way, other than that this is who Plaintiffs' and their attorneys' intended to sue.

16 *Sunrise Tire and Lube Services, Inc. ("Sunrise Tire") is a California Corporation, incorporated in March of 2017. Sunrise Tire was the grantee in a recorded "Notice of bulk Transfer" from Har-Sukh Corp., Inc. in June of 2017 that appears related to American Tire and Truck Repair business. On information and belief, Sunrise Tire's principle place of business is San Joaquin County, California.*

17 *Sukhdev Singh Dhaliwal is Sunrise Tire's Chief Executive officer, and registered agent. On information and belief, he exercised control over, was an agent, or was a managing agent of the business operating at American Tire and Truck Repair business during the times relevant to this complaint.*

18 *Hur-Sukh Corp, Inc. is a California corporation identified in public records as an entity that does business as American Tire and Truck Repair at the location where the Dart Tractor Trailer had repairs make on the axle and the tires that detached, causing the crash that killed Barbara Granger. On information and belief, the principle place of business is San Joaquin County, California.*

1 A By saying that American Tire and Truck Repair do axle repairs further confirmed for
2 me that "Plaintiffs and their attorneys intended to sue Sukhdev Singh Dhaliwal, who is running a
3 truck repair business that does axle repair work somewhere in San Joaquin County using the dba
4 American Tire and Truck Repair" where he is listed as owner. This is because it is a specialized
5 work, done by specialists, and we are not specialists in this area of truck repair, and therefore we
6 don't do it.

7 B Even the name Dart Tractor Trailer did not give me any clue because this is the only
8 time we dealt with them and that too for very limited services. They requested limited services,
9 and these limited services were therefore provided to them by the corporation, Sunrise Tire.

10 C By naming everyone here, it seems like Plaintiffs and their attorneys were on a
11 fishing expedition and naming everyone who they thought could be snared into this lawsuit,
12 when in fact they were only after Sukhdev Singh Dhaliwal, who did axle repair work somewhere
13 in San Joaquin County as an unincorporated business and under the dba American Tire and
14 Truck Repair.

15 D Can an officer of a corporation be sued for Negligence? I was explained by attorneys
16 in New Mexico, that it cannot be done. As an officer of Sunrise Tire, I cannot be sued for
17 negligence. This also confirmed for me that Plaintiffs and their attorneys were after Sukhdev
18 Singh Dhaliwal, who ran an unincorporated axle repair shop under a dba American Tire and
19 Truck Repair business somewhere in San Joaquin County, California.

20 4. Based upon these paragraphs, and the rest of the complaint it looked like they have
21 done their homework and did intend to sue Sukhdev Singh Dhaliwal because he is the listed
22 owner with the County of San Joaquin of Ameircan Truck and Tire Repair business, and did in
23 fact sue Sukhdev Singh Dhaliwal because his business was unincorporated, and were trying to
24 serve Sukhdev Singh Dhaliwal. To me it looked like I received the papers by mistake.

25 5 Further, Paragraph 34 of the Complaint again confirmed this fact for me. Here is
26 verbatim copy of paragraph 34 of the complaint:
27
28

1 34 *Negligence in performing the work on the Dart trailer's axle created a dangerous*
 2 *condition such that it only was matter of time before the wheel fasteners for the rear driver's side*
 3 *axle on the trailer fell off, allowing the wheels to detach from the tractor trailer.*

4 A As mentioned above, we simply don't do axle repair work, the repair of which is the
 5 cause of this accident. Hence, it has nothing to do with me.

6 6 Today I know that we did replace lug nuts for Dart Tractor Trailer. By their own
 7 facts mentioned in the complaint the lug nuts are not the cause of this accident. The cause of the
 8 accident is negligent work on the trailer's axle. Hence, I would have still not responded to the
 9 complaint by itself even now because lug nuts is not the cause of the accident. Bad axle repair is
 10 cause of the accident, and I am not listed anywhere in the complaint. I definitely needed
 11 additional information to confirm for myself that I am being sued herein. See paragraph 11 for
 12 more details related to my defenses.

13 7. Sukhdev Singh is a very common name in Punjab State of India. In Punjab, looking
 14 for Sukhdev Singh would be like looking for a John Smith here in the US. I personally know
 15 many Sukhdev Singhs in and around Stockton area by itself, leave alone rest of the US. How
 16 many Sukhdev Singhs are there in the US, I don't know but I do believe that there should a lot
 17 more of us with the same name in the US. Sukhdev Singh Dhaliwal makes is less uncommon
 18 and this also confirmed for me that they intended to sue someone named Sukhdev Singh
 19 Dhaliwal. Please allow me to explain this issue another way:

20 a Every Sukhdev Singh Dhaliwal can be Sukhdev Singh, but not vice versa. In other
 21 words, every Sukhdev Singh cannot be Sukhdev Singh Dhaliwal. Dhaliwal is a last name, and
 22 there a lots of last names in Punjab. Hence, Sukhdev Singh can be associated with any last name
 23 from Punjab, but not Sukhdev Singh Dhaliwal. This excludes all Sukhdev Singhs who do not
 24 have last name Dhaliwal, and this excludes me as well. My last name is not Dhaliwal.

25 b In the US, the example would be this way. Every John Smith can potentially be a
 26 John A. Smith, but not vice versa. If you are looking for John A. Smith, then it excludes every
 27 John Smith whose middle initial is not "A".

1 8. It's been awhile now, but I do remember hearing from others that summons and
2 complaint had been served on others at the wrong addresses, or to the wrong people in this case,
3 since so many people were sued. This only confirmed for me that it must have been a mistake.

4 9. I have always used Sukhdev Singh as my name. I have never used name Sukhdev
5 Singh Dhaliwal either legally or personally or any other variation of this name. I have never
6 used in any business papers Sukhdev Singh Dhaliwal even as a pseudonyms. It is not a
7 pseudonyms. (Emphasis added). To make it simple, since my birth to now I have never used
8 any other name(s).

9 10. A default was entered against Sukhdev Singh Dhaliwal on or about December 19,
10 2019. (Docket #11, 18, 19, 20, 36, & 131). The motion to correct the name was filed on May 14,
11 2021. (Docket #112, 113). Court can take judicial notice of these documents related to this
12 issue. Since there was no indication that I was being sued in my personal capacity, I did not take
13 any steps to defend myself. Motion for Name Correction was the first indication to me that
14 maybe I was being sued, but by this time, the time to set aside the default was long gone. So
15 there was nothing I could do, even if I wanted to.

16 11 I actually have a rock solid defenses in this case. Therefore I did not need to hide
17 behind any procedural issues in this matter:

18 A To begin with, the police report in this case did not find fault with the job we had done.
19 They did not find fault with lug nuts. This by itself is a complete defense.

20 B Industry practice is another defense for me. We only repair what we are told to repair.
21 We are not allowed to check for additional defects or problems unless it is right there, and we
22 saw no such problem here.

23 C The Department of Transportation regulations is another complete defense for me. Under
24 the law, before the start of every shift the drivers have the responsibility to inspect the truck.
25 This inspection would have found problems with the lug nuts.

1 D There is about 10 plus days gap between the lug nuts replacement job done by us, and the
2 accident. This is eternity in the trucking industry. This by itself means that we are not the cause
3 of this accident.

4 E It is also both a factual, and scientific impossibility for the same reason. It is simply
5 illogical to say the new lug nuts would break and cause the accident as opposed to old nuts that
6 we were not told to replace. Scientifically also the chances the new lug nuts would break and
7 cause the accident is an impossibility because the chances of the old nuts breaking is always
8 higher. In any case, the cause of this accident is negligence repair of axle and not lug nuts.

9 Based upon this, it defies logic that I would not fight the lawsuit with such strong
10 defenses. I have, and had no reason to hide.

11 12 I was not sued, never named in the pleadings, and in the summons, and never served
12 in this case. Therefore the Court never got personal jurisdiction on me. This is the simple issue
13 in front of this Court by itself.

14 13 I am also not the cause of any confusion either. Plaintiffs' attorney do admit to their
15 reason of confusion in the moving papers for their motion to correct mistake in default judgment.
16 They evidently got this information from a private investigator (page 2, para 1 of Document
17 #112), and therefore by itself I had nothing to do with it. Nothing was attached to the complaint
18 either. See para 3 above for more details. Court can take judicial notice of this fact. (Document
19 No.#112, filed on May 14, 2021)

20 14 After the default had been filed and has been pending for over year and a half,
21 naming the wrong name for Defendant in the complaint, and serving under the wrong name on
22 the Defendant is not a misnomer that can be corrected by name correction motion only. This is
23 bad faith because this essentially allows the other side to introduce a new party to the case,
24 without giving the new party any chance to defend itself or protect itself from the abuse. To
25 make the matters worse, Plaintiff's attorneys' never informs this Court that I was never sued as
26 Sukhdev Singh, never mentioned in the pleadings as such, and I was never served as Sukhdev
27
28

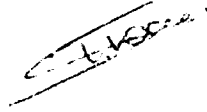
1 Singh. Sukhdev Singh Dhaliwal was sued and served, not Sukhdev Singh. I was only sub-
2 served.

3

4 Dated: August 17, 2022

5

6



7

Sukhdev Singh

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

DECLARATION OF ATTORNEY RATTAN DEV S. DHALIWAL
IN SUPPORT OF MOTION TO QUASH JUDGMENT AND ARREST WARRANT

I, Rattan Dev S. Dhaliwal, declare under penalty of perjury under the laws of the State of California as follows:

1 In this matter, Sukhdev Singh was never sued, his name is not in the pleadings, and in the
summons and he is never served. Therefore the judgment issued against Sukhdev Singh is void,
and so is the Order for arrest warrant issued against Sukhdev Singh.

2 The first issue is the jurisdiction of the Court under these circumstances. The second
issue is the issue of personal jurisdiction of this Court on Sukhdev Singh. The issue of personal
jurisdiction has been brought to the attention of Plaintiff's attorneys on several occasions, and
via emails. To-date I have not received any response from them in the form of an authority that
tells me that their position is correct, or in the alternative, that my position is wrong. In fact they
have never responded to my direct inquiry to show that Sukhdev Singh was indeed sued and
served. I have tried asking the same question in following manner as well:

a In the alternate I asked them what was Sukhdev Singh's responsibility after he received
the summons and complaint. Is it his responsibility to correct your mistake? Again no answer
from Plaintiff's attorneys.

b I also informed them that I do not have any code section, any cite, or any authority that
would support their position. I can assure this Court, that none was provided to me by Plaintiff's
attorneys.

3 The proper thing for my learned opposing counsel to do was set aside the default, amend
the complaint, add Sukhdev Singh as John Doe 1, and serve it on Sukhdev Singh. They never
tried to follow this simple procedure. Not even once. Let me assure this Court, this was never
on the table and never discussed, even after I pointed this out to them in at least one of my
emails.

4 The motion for name correction was first indication to us that they are after Sukhdev
Singh and not Sukhdev Singh Dhaliwal. Way the motion was presented to this Court, there was

1 nothing we could do to oppose it because almost 18 months had passed since the default was
2 filed, and we have only 1 year to challenge the default under Rule 60. Default was filed in
3 December of 2019, and name correction motion was filed in May of 2021. This on its own is
4 prejudicial to Sukhdev Singh.

5 6 It is prejudicial to Sukhdev Singh because he did have defenses to litigate this case, and
6 his defenses are good. (See paragraphs 5 & 11 of Sukhdev Singh's declaration). But he is never
7 given a chance to present his defenses. Waiting time period between the emails, the default
8 taken, and the motion for correction filed is fatal to his defenses. He had no chance to present
9 his defenses because he cannot do anything to file motion for relief after 1 year under the law
10 after the default is taken.

11 7 Not a single authority cited by this Court in granting the motion for correction has any
12 facts similar to this case, and same is true for all the authorities cited by Plaintiffs Attorneys' in
13 their moving papers. By couching the motion as they did, they essentially introduced a new
14 defendant without having to comply with any legal requirements for the defendant to be sued,
15 named in pleadings, named in summons, and served.

16 8 Based upon these facts, this Court had no authority to add his name in the case, and
17 compel Sukhdev Singh to produce anything. If there was no authority to compel, then it also
18 means that this Court had no authority to issue arrest warrant either for contempt of Court.

19 9. This is also illegal piercing of corporation veil. This is case of negligence, and this is not
20 a ground to go after the officer of the corporation under either New Mexico laws or under
21 California laws.

22 10. This seems like a case of first impression to me for the following reason. Therefore,
23 to begin with, I don't know of any case which has facts similar to this case:

24 a Defendant is not sued in the complaint, and not named in the summons. Pleading don't
25 show he is a party to the case either.

26 b Equally importantly he is not served as such.

1 c A default is entered in December of 2019 against the defendant who is named in the
2 summons, in the complaint and in the pleadings.

3 d. Summons and Complaint are sub-served on my client. (Document 112).

4 e My client's name is added more than 18 months after the default is taken, as a mere
5 mistake. (Document 112).

6 f Plaintiffs' attorneys are asking this Court to believe that Defendant Sukhdev Singh, knew
7 for fact that it was really he who was being sued. He was just choosing not to participate in this
8 lawsuit against him after knowing that he is being used. (Document 112). We know this is not a
9 true statement.


10 These would be undisputed facts of this case.

11 g Why did Plaintiffs' Attorneys waited for so long to file the motion is a separate legal
12 issue by itself.

13 h To make the matter even more prejudicial to Sukhdev Singh. The new defendant is the
14 officer of the corporation, but there are no allegation of wrongdoing in the complaint on the part
15 of this new defendant as officer of the corporation. Hence, this essentially works to bring in a
16 new defendant and piercing the corporate veil at the same time.

17 i After the default has been entered, as per Rule 60 it cannot be set aside after one year
18 raises another legal issue by itself. Name correction has never been granted under these
19 circumstances.

20 Dated: August 17, 2022

21
22 
23 Rattan Dev S. Dhaliwal

MEMORANDUM OF POINTS AND AUTHORITY

I. FACTUAL AND PROCEDURAL BACKGROUND

The instant matter as filed on October 24, 2019. In the caption section of the complaint the name listed is that of Sukhdev Singh Dhaliwal, and same is true on the summons. The pleadings are all against Sukhdev Singh Dhaliwal, and I am only sub-served. This raises the issue of me even being sued.

If I am not sued, then does the Court have any kind jurisdiction in this matter, is another issue.

A default was entered against the Sukhdev Singh Dhaliwal on or about December 19, 2019. The name correction motion was filed under Rule 60 in May 14, 2021. This motion is shifting the burden on us to prove that Plaintiffs attorneys' intended to sue me as a party, and I am supposed to guess this from the summons and complaint that do not list me. Further, upon the detailed review of the pleadings, do not name me inside the complaint either. Under the law this is Plaintiff's burden to sue and serve the right party and not my burden to correct their mistake.

II. LEGAL ARGUMENTS

A. THIS COURT HAS NO AUTHORITY TO PASS JUDGMENT UPON SUKHDEV SINGH AND ISSUE ARREST WARRANT AGAINST SUKHDEV SINGH BECAUSE OF ABSENSE OF JURISDICTION:

I have never been sued and served, and I am not named in pleadings either. Hence, this is where the analysis of this case should start because summons and complaint were never directed towards me. In the complaint, Sukhdev Singh Dhaliwal as owner of an unincorporated business

1 was sued but not me. My attorney and I have not been able to find any code section, any cite, or
2 any other authority that would allow this case to even begin, leave alone for this Court to give
3 judgment in favor of Plaintiffs' and against me, and issue arrest warrant against me under these
4 circumstances. Therefore under Rule 60, this judgment is void because I am not named in
5 summons, complaint and the pleadings.

6 Under Rule 4 of Federal Rule of Civil Procedures, summons must be directed to the
7 defendant. Under Rule 4 this is not a fatal mistake but Plaintiffs' and their attorney took no steps
8 to cure the fault. This on the face of it is prejudicial to me. I am not named in the complaint, in
9 the summons, and I am not named in the pleading either. Again I and my attorney have not been
10 able to find one case that would address these circumstances.

11 In any case, here the issue is four fold. I am not named in complaint, or the summons, or
12 the pleadings filed in this case, and I was never served as Sukhdev Singh. Hence, even Rule 4 is
13 inapplicable.

14 Rule 60 Motion to correct mistake was filed by the Plaintiffs' and their attorneys more
15 than 18 months after the default had been entered. Under Rule 60 I had only 1 year to move to
16 the Court to set aside the default. Based upon my reading of this rule, unless there was fraud
17 involved, I cannot do anything after one year. I have not been able to reach the conclusion if
18 fraud was involved but it was definitely prejudicial to me. It was granted when I could not
19 challenge it under Rule 60, because I cannot file a motion for relief after one year. This is
20 separate legal issue by itself. I have found cases where these motions were filed, but none that
21 came even close to the circumstances of this case. As far as I know, this case and the facts of
22 this case are unique and they have never been litigated ever.

23 This essentially allowed Plaintiffs and their counsel to introduce a new defendant into the
24 case without having to comply with any kind of laws. This is not an error, oversight, or omission
25 kind of a mistake when you wait more than 18 months to file this motion for correction. It is an
26 egregious error because:
27
28

1 A defendant is not named in the complaint, in the summons, in the pleadings and the
2 defendant is not served because the summons are not directed towards him, and the provisions of
3 introducing Doe Defendant is not followed but a new defendant is introduced into the picture
4 after about 18 months. Again there is no precedent that we know of given the circumstances of
5 this case.

6 This motion was in bad faith because it essentially introduced a new defendant to the
7 case, who was in no position to defend myself. The motion is drafted as error, oversight, or
8 omission on Plaintiffs' attorney's part and therefore as per the motion it is related to the default
9 judgment. This by itself is a violation of the basic tenants of the adversarial system we have here
10 because this gave me absolutely no chance to defend myself. In other words, this is violation of
11 Constitutional Due Process clause as well. Again there is no precedent to this as well.

12 To make the matters worse, Plaintiffs attorney do admit that they made a mistake but
13 couched it as a misnomer, or as they put it as a "pseudonyms". Allowing the name change upon
14 the facts of this particular case is abuse of discretion by this Court. I had no part to play in this
15 confusion. Again I and my attorneys have not been able to find a single authority where the
16 Court has the discretion to grant such a motion based upon the admittance of the Plaintiff's
17 attorney they made a mistake in naming the correct defendant in the case after more than 18
18 months had elapsed between the default and the motion to correct. We could not find any
19 authority that would address this situation.

20 Plaintiffs Attorneys' are taking the position that since I was served as Sukhdev Singh
21 Dhaliwal, that means I knew about the case and hence should have litigated it. They have
22 offered no authority for their position that is based upon the facts that are similar to this case.

23 Further, they are not willing to admit that they made a mistake but they are asserting that
24 I should have taken the steps to defend myself. They have not given any facts based upon which
25 I would know of the facts that I am being sued. This is separate legal issue by itself. If I could
26 figure out that I am being sued, than all I had to do was file demurrer or motion to strike because
27 really there are no facts in the complaint that support any wrong doing on my part.
28

1 Plaintiffs and their attorneys are asking me to have read their mind and guessed it
2 correctly that I was being sued. This has no legal precedent by itself.

3 Through my attorney, I asked them to show me the law under which I was supposed to
4 correct their mistakes. In other words, I go to them and tell them that it was really me you are
5 after and hence correct the pleadings even though I cannot figure out from the pleadings that they
6 filed that it was me who they were after. I and my attorney have not found a single authority for
7 this assertion either.

8 But this argument has to be premised on the fact that I understood that I was being sued,
9 and I am under oath saying that I had no idea I was being sued. Hence, their position by itself
10 does not make sense.

11 This line of argument also illegally shifts the burden of proof on me. They need to prove
12 that I was sued, named in summons, named in the pleadings, and served. They have nothing to
13 show this. Why is it that I have to prove that I was not sued and served? Again, we have not
14 been able to find a single authority for this issue either.

15 In fact, there was no case that addressed the basic issue of complaint, and service by
16 itself. Maybe we were unable to find one. This might very well be the first case where a party
17 was never sued and served, but a judgment has been entered against that party.

18 Piercing the Corporate Veil is a separate and distinct issue. Under New Mexico laws a
19 corporation will ordinarily be treated as a legal entity separate from its shareholders, and
20 individual shareholders cannot be held personally liable for the corporation's debt. Under certain
21 circumstances, however, courts may exercise their equitable powers to pierce the corporate veil
22 and require shareholders to answer for the corporation's liability. To pierce the corporate veil, the
23 district court must find that the corporation was operated in a fashion not to serve the valid goals
24 and purposes of that corporation but instead under the domination and control and for the
25 purposes of some dominant party, that there is some form of moral culpability attributable to the
26 shareholder such as use of the corporation to perpetrate a fraud, and that there is some reasonable
27 relationship between the injury suffered by the plaintiff and the actions of the
28

1 defendant, *Morrissey v. Krystopowicz*, 2016-NMCA-011. The judgment against me, is against a
2 corporate officer. There is no showing that he perpetrated fraud on the Plaintiffs', and further,
3 they don't show that there is any reasonable relationship between the injury suffered by the
4 plaintiff and the actions of the defendant.

5 6 III. CONCLUSION

7
8 This motion should be granted because this Court never had personal jurisdiction on me
9 in this matter. I was prejudiced they filed motion for correction more than 18 months after the
10 entry of default. Court over stepped its discretion because this essentially admitted new defendant
11 into the case in violation of being named in the lawsuit and served as such. There are no
12 allegations against me that would allow the corporate veil to be pierced. Therefore the judgment
13 is void, and any orders that follow the void judgment are also void.

14 Dated: August 17, 2022

15
16 

17
18 _____
Sukhdev Singh

PROOF OF SERVICE

I, Kubra Hussain, declare that I am a resident of the State of California, am over the age of eighteen years, and not a party to the within action. I am employed in the County of Santa Clara, State of California. My address is 2005 De La Cruz Blvd., Suite 185, Santa Clara, CA 95050.

On the date set forth below, I caused to be served true and correct copies of:

Notice of Motion and Motion to Quash Judgment and to Quash the Arrest Warrant Against Sukhdev Singh.

(X) (BY U.S. MAIL) - by placing such copy in a sealed envelope postage thereon fully prepaid, in the United States Postal Service for collection and mailing this day in accordance with ordinary business practices.

() (HAND DELIVERY – CCP §§1011, 2015.5) by hand delivery of such copies on the parties indicated.

() (FACSIMILE – CCP §§ 1013, 2015.5) by consigning copies to a facsimile operator for transmittal on this date to the parties indicated.

() (EMAIL -- CCP §§ 1010.6, 1013, 2015.5) by electronic transmission of such copies on this date to the parties indicated.

() (OVERNIGHT COURIER -- CCP §§ 1013(c), 2015.5) by consigning such copies on this date to a Federal Express location for delivery to the parties indicated.

I caused the above documents to be served on the following persons:


Mark T Baker
Peifer, Hanson, Mullins & Baker, PA

P.O Box 25245
Albuquerque, NM 87125

20 First Plaza Ctr. NW, Suite 725
Albuquerque, NM 87102

I am readily familiar with the practices for processing of documents for service according to the instructions indicated above. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Santa Clara, California on August 17, 2022.


Kubra Hussain

PROOF OF SERVICE

Attorney or Party without Attorney: H. Vern Payne, Esq. (SBN 2043) SINGLETON SCHREIBER, LLP 643 Highway 314 NW Los Lunas, NM 87031 Telephone No: (916) 775-5894 Attorney For: PLAINTIFFS				For Court Use Only
Ref. No. or File No.: Pyle et al v. PNMRI, et al.				
Insert name of Court, and Judicial District and Branch Court: STATE OF NEW MEXICO COUNTY OF BERNALILLO SECOND JUDICIAL DISTRICT COURT				
Plaintiff: DENNIS R. PYLE, an individual, et al. Defendant: PNM RESOURCES INC., a New Mexico domestic profit corporation, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number: D-202-CV-2022-04363

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the SUMMONS; ORIGINAL COMPLAINT TO RECOVER DAMAGES; COURT-ANNEXED ARBITRATION CERTIFICATION
3.
 - a. *Party served:* TREES, INC., a Delaware foreign profit corporation
 - b. *Person served:* Judy Romero, Registered Agent, Authorized to accept
4. *Address where the party was served:* 206 S Coronado Ave, Espanola, NM 87532
5. *I served the party:*
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue, Aug 16 2022 (2) at: 01:29 PM
6. **Person Who Served Papers:**
 - a. Kristina Rodriguez
 - b. **c/o FIRST LEGAL**
 530 B Street, Suite 1050
 SAN DIEGO, CA 92101
 c. (619) 231-9111
 - d. **The Fee for Service was:** \$124.85
7. *I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.*

 (Date)

 (Signature)

 PROOF OF
 SERVICE

 7512396
 (15051533)